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SB920

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MO SB1129 Enacts provisions relating to insurance coverage of pharmacy services

NJ S2358 Permits government records custodians to redact certain personal infor...

CT HB05203 An Act Concerning Utility Company Cost-sharing Mechanisms.

Bill Text: CA SB920 | 2021-2022 | Regular Session | Introduced

California Senate Bill 920

CA State Legislature page for SB920

Summary | Sponsors | **Texts** | Votes | Research | Comments | Track

Introduced

Bill Title: Medical Board of California: investigations: record requests.

Spectrum: Partisan Bill (Democrat 1-0)

Status: *(Introduced)* 2022-03-16 - Set for hearing April 4. [SB920 Detail]

Download: California-2021-SB920-Introduced.html

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

SENATE BILL **NO. 920**

Introduced by Senator Hurtado

February 03, 2022

An act to amend Sections 2220.5 and 2330 of, and to add Section 2220.8 to, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 920, as introduced, Hurtado. Medical Board of California: investigations: record requests.

Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Existing law provides that the board is the only licensing board authorized to investigate or commence disciplinary actions relating to physicians and surgeons, as specified.

This bill would authorize a board investigator and a medical consultant, at the discretion of the board, to inspect the business location and records of a physician or surgeon, including patient and client records. The bill would provide that in the case where consent of a patient to inspect patient records is not present, the board investigator and medical consultant may inspect records in the office of the licensee for the limited purpose of determining whether good cause exists to seek a subpoena for those records.

Existing law, the Pharmacy Law, provides for the licensure and regulation of the practice of pharmacy by the 13-member California State Board of Pharmacy, which is within the Department of Consumer Affairs.

This bill would authorize the Medical Board of California to request records and other information from a pharmacist in conducting an investigation of a licensee. The bill would require a pharmacist receiving such a request to respond in the same manner and timeframe as if the request came from the California State Board of Pharmacy.

The Medical Practice Act also establishes the procedures for formal disciplinary proceedings, and requires that complainants against licensees who are subject to disciplinary proceedings be notified of the actions proposed to be taken against the licensee, as provided. The act allows complainants the opportunity to provide a statement to the deputy attorney general from the Health Quality Enforcement Section who is assigned the case. These statements are not considered for purposes of adjudication, but may be considered after final adjudication for purposes of setting generally applicable policies and standards.

This bill would also allow these statements to be considered for purposes of adjudication.

Digest Key

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 2220.5 of the Business and Professions Code is amended to read:

2220.5. (a) The Medical Board of California is the only licensing board that is authorized to investigate or commence disciplinary actions relating to physicians and surgeons who have been issued a certificate pursuant to Section 2050.

(1) At the discretion of the board, as part of an investigation, a board investigator and a medical consultant may inspect the business location and records of a physician or surgeon, including patient and client records.

(2) If the board does not have the consent of a patient to inspect that patient's records, a board investigator and a medical consultant may inspect records in the office of a licensee for the limited purpose of determining whether good cause exists to seek an investigative subpoena for those records.

(b) For purposes of this section, "investigate or commence disciplinary actions" shall mean written, oral, or telephonic communication with a physician or surgeon concerning ~~his or her~~ *the* violation of the Medical Practice Act or any other provision of this division.

(c) Written complaints that are subject to Section 43.96 of the Civil Code, relating to the professional conduct or professional competence of physicians and surgeons, shall be processed in accordance with that section.

SEC. 2. Section 2220.8 is added to the Business and Professions Code, to read:

2220.8. (a) As part of an investigation, the board may request records and other information from a pharmacist licensed under the Pharmacy Law (Chapter 9 (commencing with Section 4000)).

(b) Upon receiving a request from the board, a pharmacist shall respond in the same manner and timeframe as if the request came from the California State Board of Pharmacy.

(c) Notwithstanding Section 2314, violation of this section is not a misdemeanor.

SEC. 3. Section 2330 of the Business and Professions Code is amended to read:

2330. Complainants against licensees of the board, including licensees of allied health boards within the jurisdiction of the board, and of the Board of Podiatric Medicine, who are subject to formal disciplinary proceedings shall be notified of the actions proposed to be taken against the licensee. This notification shall be provided only to complainants who are known to the boards.

Complainants shall be given an opportunity to provide a statement to the deputy attorney general from the Health Quality Enforcement Section who is assigned the case. These statements shall ~~not~~ be considered by a panel of the division, the Board of Podiatric Medicine, or other board for purposes of adjudicating the case to which the statement ~~pertains, but~~ *pertains. These statements* may *also* be considered by the division or those boards after the case is finally adjudicated for purposes of setting generally applicable policies and standards.

feedback